

REMARKS

Status of the Claims

Claims 1-5 and 7-33 are pending in this application.  
Claims 23-27 and 32 have been withdrawn. Claims 1-5, 7-22, 28-31 and 33 have been examined.

Amendments to the Specification

Per the Examiner's suggestion, applicants have amended the first paragraph of the specification to contain the patent number of the parent application.

The Examiner objected to an informality on page 130, line 11, of the specification. Per the Examiner's suggestion, applicants have corrected this inadvertent typographical error.

Objections to the Claims

Claims 1, 4, 9 and 11 were objected to due to certain informalities. In particular, the Examiner stated that an "or" should be inserted in the definition of "Q" in claims 1 and 9, and an "or" should be inserted between the last two recited radicals in claims 4 and 11. Applicants have made the appropriate corrections per the Examiner's suggestion, and thus respectfully request withdrawal of this objection.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 2 and 9

Claims 1, 2 and 9 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. In particular, the Examiner contends that the  $R^1$  variable defined in claims 1 and 9 and referred to in claim 2 does not appear in the claimed formulae or any other variable. Applicants disagree with this statement. In fact, the  $R^1$  variable appears in the definition of  $R^8$  in each of claims 1, 2 and 9:

Claims 1 and 9 (emphasis added):

"wherein  $R^8$  is additionally and optionally substituted with one or more groups independently selected from -OH, -S( $C_1$ - $C_6$  alkyl), -CN, -CF<sub>3</sub>, -N( $R^2$ )<sub>2</sub>, halo, - $C_1$ - $C_4$ -alkyl, - $C_1$ - $C_4$ -alkoxy; -Ht; -O-Ht; -NR<sup>2</sup>-CO-N( $R^2$ )<sub>2</sub>; -CO-N( $R^2$ )<sub>2</sub>; - $R^1$ - $C_2$ - $C_6$  alkenyl"

Claim 2 (emphasis added):

"wherein  $R^8$  is additionally and optionally substituted with one or more groups independently selected from -OH; - $C_1$ - $C_4$ -alkoxy; -Ht; -O-Ht; -NR<sup>2</sup>-CO-N( $R^2$ )<sub>2</sub>; -CO-N( $R^2$ )<sub>2</sub>; - $R^1$ - $C_2$ - $C_6$  alkenyl"

Therefore, because the variable  $R^1$  appears in the definition of  $R^8$ , the inclusion of its definition in claims 1 and 9 is appropriate, and does not render these claims indefinite. For at least this reason, applicants respectfully request withdrawal of this objection.

Claims 15-17, 28 and 33

Claims 15-17, 28 and 33 were objected to under 35 U.S.C. § 112, second paragraph, because the chemical structures corresponding to the compound numbers were not included in these claims. In response, applicants have amended these claims so that the structures corresponding to the claimed compound numbers are included in these claims. Support for these structures can be found at, for example, Tables 1-3 on pages 33-55 of applicants' specification. Applicants thus respectfully request withdrawal of this rejection.

Obviousness-Type Double Patenting

Claim 1-5, 7-22, 28-31 and 33 were rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1-5 and 18-20 of U.S. Patent 6,319,946; claims 1, 2, 4 and 15 of U.S. Patent 6,613,743 and claims 1-7 and 18-20 of U.S. Patent 6,617,350. In response, applicants traverse.

Nonetheless, applicants will address this rejection upon the indication of otherwise allowable subject matter in this application.

Conclusion

Applicants respectfully submit that all of the pending claims are in form for allowance, but expressly

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reserves his right to argue the patentability of the subject matter of any one of the dependent claims in a future proceeding. If the Examiner believes, however, that any matters remain outstanding, applicant respectfully requests that the Examiner call the undersigned.

Respectfully submitted,



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